

**REMARKS**

The Office Action dated August 7, 2007 has been received and considered. In this response, claims 1, 2, 7, and 9-48 have been canceled without prejudice or disclaimer, claims 49, 51, and 54 have been amended, and new claims 55-96 have been added. Support for the amendments and new claims may be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

**Telephonic Interview of December 6, 2007**

At the outset, the undersigned notes with appreciation the courtesies extended by the Examiner during the telephonic interview of December 6, 2007. As discussed, the cited references are deficient with respect to the claims as amended for at least the reasons provided below.

**Obviousness Rejections of Claims 1, 2, 7, and 9-54**

At page 3 of the Office Action, claims 1, 2, 7, 9, 34, 42 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banks (U.S. Patent No. 6,139,197) in view Gupta (U.S. Patent No. 6,985,966), in further view of Oguz (U.S. Patent No. 6,771,703). At page 4 of the Office Action, claims 10-12, 15-18, 22, 49-52 and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banks in view of Gupta in further view of Oguz and in further view of Bixby (U.S. Patent No. 6,792,047). At page 5 of the Office Action, claims 23-26, 28, 30-32, 35, 36, 39-41, 44-48 and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banks in view of Gupta in further view of Oguz in further view of Bixby in further view of Girod (U.S. Patent No. 6,480,541). At page 8 of the Office Action, claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banks in view of Gupta in further view of Oguz in further view of Bixby in further view of Norsworthy (U.S. Patent No. 6,144,402). At page 9 of the Office Action, claims 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banks in view of Gupta in further view of Oguz in further view of Bixby in further view of Keren (U.S. Patent Publication No. 2001/0026591). At page 10 of the Office Action, claims 27, 29, 33, 37 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable

over Banks in view of Gupta in further view of Oguz, in further view of Bixby, in further view of Putzolu (U.S. Patent No. 6,584,509). These rejections are hereby respectfully traversed with amendment.

As noted above, claims 1, 2, 7 and 9-48 have been canceled without prejudice or disclaimer, thereby obviating their rejection.

Independent claim 49 has been amended to clarify the claimed predetermined criteria and presently recites the features of: “determining whether a transmission of a data stream having a plurality of multimedia channels is expected to meet a predetermined criteria, the predetermined criteria comprising at least one of a real-time transmission or a transmission within a predetermined bandwidth,” “compressing at least one of the multimedia channels in the data stream to generate a first compressed data stream when the transmission of the data stream is not expected to meet the predetermined criteria,” and “determining whether a transmission of the first compressed data stream is expected to meet the predetermined criteria.” The Office Action relies on the combination of Banks, Gupta, Oguz and Bixby in rejecting claim 49. *Office Action*, p. 4. As argued in the Pre-Appeal Brief mailed March 20, 2007, Banks and Gupta, individually or in combination, fail to disclose or suggest compressing multimedia channels of a data stream and then determining if the resulting compressed data stream meets a predetermined criteria, much less predetermined criteria that comprises a real-time transmission or a transmission within a predetermined bandwidth. The other cited references, Oguz and Bixby, also fail to compensate for the deficiencies of Banks and Gupta with respect to claim 49. To illustrate, Oguz likewise fails to contemplate the transmission of a data stream comprising a plurality of multimedia channels, much less whether the transmission of such a data stream is expected to meet a predetermined criteria. In the passage of Oguz cited in the Office Action (col. 9, lines 14-25) no description is made as to concurrently transmitting more than one multimedia stream. Rather, this passage, as with the remainder of Oguz, merely teaches the selection of a compressed version of one multimedia channel if insufficient bandwidth is available to transmit the uncompressed version of the one multimedia channel. Thus, Oguz merely contains similar disclosure to that of Banks and Gupta and does not move the prior art any further toward the present invention. Bixby also fails to disclose or suggest the transmission of a data stream representing a plurality of multimedia streams, or contemplating whether such a data stream is

expected to meet a predetermined criteria as claimed. The other references cited in the Office Action are likewise deficient with respect to claim 49. Accordingly, the proposed combinations of the references cited by the Office Action fail to disclose or suggest each and every feature presently recited by claim 49. Reconsideration and withdrawal of the obviousness rejections of claims 1, 2, 7, and 9-54 therefore is respectfully requested.

### **Addition of New Claims 55-96**

New claims 55-96 have been added. New claims 55-64 depend from claim 49 and recite features similar to those previously presented in claims 7, 19, 22, 23, 24, and 26-31 (now canceled). New claims 65-96 recite subject matter similar to the subject matter recited by claims 49-64. Claims 55-96 therefore are allowable over the cited art for at least the same reasons that claim 49 is allowable.

### **Conclusion**

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant believes no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-1835.

Respectfully submitted,

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